

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JOHN C. KITCHIN, JR., et al.,

Plaintiffs,

v.

Case No. 4:18-cv-00672-CDP

BRIDGETON LANDFILL, LLC, et al.,

Defendants.

**DEFENDANT COTTER CORPORATION (N.S.L.)’S
EXHIBITS IN SUPPORT OF ITS MOTION TO DISMISS AND ITS
MOTION TO STRIKE MEDICAL MONITORING CLASS ALLEGATIONS**

Cotter Corporation (N.S.L.) submits the following exhibits in support of its motion to dismiss Plaintiffs’ Second Amended and Supplemental Complaint, and its Motion to Strike Plaintiffs’ medical monitoring class allegations. Cotter reserves the right to submit any additional exhibits in response to Plaintiffs’ opposition.

- A. Robert E. Criss, *Risk and Character of Radioactive Waste at the West Lake Landfill, Bridgeton, Mo.* (“Criss”) (2013)
- B. Kaltofen, Alvarez & Hixson, *Tracking legacy radionuclides in St. Louis, Missouri, via Unsupported Pb*, Journal of Environmental Radioactivity (“Kaltofen”) (2016)
- C. Hamrick Dep., Vol. I, October 5, 2016 (“Hamrick Dep. I”),¹ and selected exhibits
 - Deposition Exhibit 20, AEC 1974 Inspection Report
 - Deposition Exhibit 21, NRC 1976 Inspection Report
 - Deposition Exhibit 25, May 10, 1974 Cotter Request to Terminate Source Materials License
 - Deposition Exhibit 26, Nov. 13, 1974 AEC Termination of Cotter Source Materials License

¹ Portions of this deposition, and all other Hamrick Depositions, that relate to exhibits marked as Confidential – Subject to Protective Order, have been redacted.

D. EPA, Proposed Record of Decision Amendment at 2 (Feb. 6, 2018)

E. Hamrick Dep., Vol. II, Oct. 6, 2016 (“Hamrick Dep. II”), and selected exhibits

- Deposition Exhibit 35, May 8, 1969 AEC Letter Enclosing Invitation to Bid
- Deposition Exhibit 43, December 3, 1969 Cotter Corporation Source Material License

F. Hamrick Dep., Vol. I, July 25, 2019, and selected exhibits

- Deposition Exhibit 1: NRC 1976 Investigative Report
- Deposition Exhibit 9: Sept. 6, 1991 Letter to Newman from McCluskey, with attachment
- Deposition Exhibit 11: Nov. 8, 1965 Memorandum to Sapirie from Miller, subject: Committee Report
- Deposition Exhibit 12: Memorandum to Distribution from Haubach, with attachment
- Deposition Exhibit 17: October 1972 Contracting Agreement between Cotter and B&K Construction Co.

G. Hamrick Dep., Vol. II, July 26, 2019, and selected exhibits

- Deposition Exhibit 22: June 9, 1967 Residue Purchase Agreement between Commercial Discount Corporation and Cotter
- Deposition Exhibit 24: Amendment to Residue Purchase Agreement between Commercial Discount Corporation and Cotter
- Deposition Exhibit 27: Aug. 7, 1969 Agreement between Commercial Discount Corporation and Cotter
- Deposition Exhibit 28: Dec. 16, 1969 Letter to USAEC from Marcott
- Deposition Exhibit 29: Dec. 3, 1969 Letter to Marcott from Harmon, with attachment
- Deposition Exhibit 34: May 10, 1974 Letter to Burkhardt from McGrath, with attachments

- Deposition Exhibit 36: Nov. 1, 1974 Letter to Marcott from John Davis, with attachment
- Deposition Exhibit 37: Nov. 1, 1974 Letter to Marcott from John Davis
- Deposition Exhibit 38: Nov. 13, 1974 Letter to Marcott from Rouse

Dated: March 16, 2023

Respectfully submitted,

/s/ Brian O. Watson

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**ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

I certify that on March 16, 2023, these papers were filed through the CM/ECF system, which will automatically serve an electronic copy upon all counsel of record.

Respectfully submitted,

/s/ Brian O. Watson

Brian O. Watson, #68678MO